20 February 2002

TO: Shared Resource Center Directors and S/AAA

SUBJECT: Clarification on How Long Accounts are Permitted for Foreign
Nationals with Student Visas

The policy of the DoD High Performance Computing Modernization Program is to permit access to HPC Modernization Program (HPCMP) resources by students who are Foreign Nationals when such individuals are doing unclassified, publishable work (research) for the DoD, under a Cooperative Research and Development Agreement (CRADA) or other contractual arrangement. Accounts for such users also require a DoD Principal Investigator endorsement. In addition, these users need to provide evidence of proper entry into the U.S. and are also required to provide evidence of the satisfactory completion of a "trustworthiness certification" investigation. In most cases, the later would imply the completion of the National Agency Check (NAC) investigation.

Recently, account managers at the HPCMP Shared Resource Centers and Service/Agency Approval Authorities (S/AAAs) have raised questions as to the effective termination date of a Foreign National student's HPC account for a person who was admitted to the U.S. on a student visa (F-1 Visa). The Immigration and Naturalization Service has determined that once a Foreign National is admitted into this country on a student visa, this student is allowed to remain in the country as long as the student status is maintained and normal progress is made toward completion of the academic course of study even if the F-1 visa in their passport has expired. In fact, federal regulations state that: "The period of visa validity has no relation to the period of time the immigration authorities at a port of entry may authorize the alien to stay in the United States."

While the student visa itself may have an expired date, the account manager and/or S/AAA must look at two additional documents to determine the student's continuing account eligibility:

(1) The Immigration and Naturalization Service (INS) will have provided the student with an I-94 form at the port of entry. The form for a student will usually be marked with a "D/S" (duration of studies).

(2) The student must also have an I-20 form (provided by the university) that states the deadline for completing a full course of study, plus any periods of authorized optional practical training (up to one year), plus an additional 60 days to prepare for departure.

As long as the student has an unexpired I-20, they are permitted to remain in this country. The responsibility of the system account manager, in addition to ensuring that a current account application and NAC (or equivalent) finding is kept on file, is to review the student's I-94 and the associated I-20 to determine if the student is eligible to continue having an account on a HPCMP resource.

My point of contact for this matter is Mr. Stephen Schneller; who can be reached at 401-832-3820 or by email at schnell@hpcmo.hpc.mil.

[signed]

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